IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA ABINGDON DIVISION

PHILLIP JONES,)
Plaintiff,) Case No. 1:09CV0048
v.) JUDGMENT
BILLY EXCAVATION &) By: James P. Jones
EQUIPMENT CORP.,) Chief United States District Judge
Defendant.)

It appearing that no objections have been timely filed to the Report filed February 22, 2010, setting forth the findings and recommendations of the magistrate judge, it is **ADJUDGED AND ORDERED** as follows:

- 1. The Report (DE 16) and its findings and recommendations are wholly ACCEPTED and APPROVED;
 - 2. The Motion for Default Judgment (DE 7) is GRANTED;
- 3. Judgment is entered in favor of the plaintiff Phillip Jones against the defendant Billy Excavation & Equipment Corp., in the amounts of \$92,335.00 in compensatory damages; \$5,000.00 in punitive damages; and \$4,754.63 in costs, for a total of \$102, 089.63; and
- 4. It appearing that the plaintiff seeks no further relief herein, the clerk shall close the case.

/s/ James P. Jones
Chief United States District Judge

ENTER: March 15, 2010